

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CLIFFORD HOWARD WHEATLEY,

Plaintiff,

v.

ASSEMBLY OF GOD CHURCH, *et al.*,

Defendants.

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Case No. 6:18-CV-542-JDK-KNM

**ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case, has been presented for consideration. The Court directed Plaintiff to replead his Complaint by January 2, 2019, in an Order to Replead (Docket No. 5). If Plaintiff failed to replead, the Court warned that the case would be dismissed for failure to prosecute. FED. R. CIV. P. 41(b). The Court sent the Order to Replead to Plaintiff twice via certified mail, but both times the mail returned to the Court with the notation “unclaimed.” (Docket No. 7) Plaintiff did not replead his Complaint as ordered. Thus, the Report and Recommendation (Docket No. 8), filed on February 8, 2019, recommends that Plaintiff’s Complaint (Docket No. 1) be dismissed without prejudice for failure to prosecute. The Court sent the Report and Recommendation to Plaintiff via regular and certified mail. The copy sent via certified mail was returned to the Court as “unclaimed.” No written objections have been filed by Plaintiff. The Court therefore **ADOPTS** the findings and conclusions of the Magistrate Judge as those of the Court.

It is accordingly **ORDERED** that the complaint is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. FED. R. CIV. P. 41(b).

So **ORDERED** and **SIGNED** this **4th** day of **March, 2019**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE